

Request For Reconsideration

Claims 1-16 and 39-53 are pending in the application. Claims 1, 3-5, 7, 11, 14-16, 39-42, 44, 48, and 51-53 stand rejected, and Claims 2, 6, 8-10, 12, 13, 43, 45-47, 49, and 50 stand objected to. Claims 1 and 39 have been amended to further clarify distinctions with the cited art that were already present in Claims 1 and 39. In addition, Claims 43 and 49 have been amended to correct typographical errors. Reconsideration and allowance of all pending claims is respectfully requested in view of the foregoing Amendments and the following remarks.

Remarks

Claim Rejections under 35 U.S.C. § 102

Claims 1, 3-5, 7, 11, 14-16, 39-42, 44, 48 and 51-53 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,385,577 issued to J. Epstein ("*Epstein*"). Applicants respectfully traverse this rejection for at least the following reasons.

Amended Claim 1 is allowable over *Epstein* at least because *Epstein* does not disclose each and every element of amended Claim 1. For example, *Epstein* fails to disclose a “side wall system comprising a plurality of side walls, each side wall being located in one of a plurality of planes normal to the plane defined by the top wall, . . . each side wall of the side wall system having a plurality of apertures,” as recited in amended Claim 1.

Epstein discloses a cage or inverted cup 6 having a series of legs 7 and vertical ribs 10 extending downward to a tray 4. (column 2, lines 6-17; Figures 1-2). As shown in Figure 1, legs 7 and ribs 10 are located around the perimeter of cage 6. As shown in Figure 2, apertures are formed between legs 7 and ribs 10 and between adjacent ribs 10. *Epstein* does not disclose any feature that could be equated with the “side walls” recited in amended Claim 1. In particular, amended Claim 1 recites that each side wall: (1) is “located in one of a plurality of planes normal to the plane defined by the top wall,” and (2) “[has] a plurality of apertures.” No feature of *Epstein* meets both of these limitations.

First, an individual leg 7 or rib 10 disclosed by *Epstein* cannot be equated with a “side wall” recited in Claim 1 at least because neither an individual leg 7 nor rib 10 “[has] a plurality of apertures” as recited in Claim 1.

Second, an adjacent leg 7 and rib 10, or two adjacent ribs 10, cannot be equated with a “side wall” recited in Claim 1 at least because an adjacent leg 7 and rib 10, or two adjacent ribs 10, merely has a single aperture between them, rather than “a plurality of apertures” as recited in Claim 1. In addition, an adjacent leg 7 and rib 10, or two adjacent ribs 10, cannot be “located in one of a plurality of planes” as recited in Claim 1. As shown in Figure 1 of *Epstein* and discussed above, legs 7 and ribs 10 are located around the perimeter of cage 6. Thus, each leg 7 and rib 10 is located in a unique plane different from that of each other leg 7 and rib 10. Thus, an adjacent leg 7 and rib 10 are located in different planes. Similarly, for two adjacent ribs 10, each rib 10 is located in a different plane.

Third, any group of three or more legs 7 and/or ribs 10 cannot be equated with a “side wall” recited in Claim 1 at least because such legs 7 and/or ribs 10 cannot be “located in one of a plurality of planes” as recited in Claim 1. For the reasons discussed above regarding two adjacent ribs 10 or an adjacent leg 7 and rib 10, any group of three or more legs 7 and/or ribs 10 cannot be located in the same plane.

For at least the reasons discussed above, *Epstein* does not disclose each and every element of amended Claim 1. Thus, Applicants respectfully request reconsideration and allowance of amended Claim 1, together with Claims 3-5, 7, 11 and 14-16 that depend from amended Claim 1. In addition, for at least the reasons stated with regard to Claim 1, Applicants respectfully request reconsideration and allowance of amended independent Claim 39, together with Claims 40-42, 44, 48 and 51-53 that depend from amended Claim 39.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that Claims 2, 6, 8-10, 12, 13, 43, 45-47, 49, and 50 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, since amended independent Claims 1 and 39 are allowable as discussed above, Applicants respectfully submit that Claims 2, 6, 8-10, 12, 13, 43, 45-47, 49, and 50 are allowable at least because they depend from Claims 1 and 39. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 2, 6, 8-10, 12, 13, 43, 45-47, 49, and 50.

Conclusion

Applicants respectfully submit that the present Application is in condition for allowance and favorable notice thereof is requested. Although no fees are believed due, the Commissioner is hereby authorized to charge or credit Baker Botts Deposit Account No. 02-0384 in the event of a fee discrepancy.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants respectfully request that the Examiner call their attorney at the number listed below.

Respectfully Submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Jay B. Johnson
Reg. No. 38,193

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Correspondence Address:

Baker Botts L.L.P.
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
Tel: 214-953-6431
Fax: 214-661-4431
jay.johnson@bakerbotts.com

Customer Number:

05073